

Chairman Vap called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

#### GENERAL ADMINISTRATION

Notice was duly published October 25, 2005 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 1, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, November 1, 2005:

Rule and Commission Hearing Room, Lincoln.  
Regulation In the Matter of the Commission, on its own motion,  
#166 seeking to amend Title 291, Chapter 8, Grain Warehouse  
1:30 and Grain Dealer Rules and Regulations, to adopt rules in  
accordance with Nebraska Legislative Bills 52, 439 and 492  
[2005]. Commissioner Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of the complaints received in the preceding month.

C-3379 In the Matter of the Precedential Nature of Orders on  
Reconsideration Issued in Consolidated Dockets FC-1296 and  
FC-1297. Frank Landis presiding as Hearing Officer: Motion made by  
Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to  
enter an order providing clarification. Motion passed with Commis-  
sioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and  
Jerry Vap voting AYE.

C-3453 In the Matter of Aero Communications, LLC, Paducah,  
Kentucky, seeking authority to operate as a facilities-  
based local and interexchange carrier of telecommunications services  
within the state of Nebraska: Motion made by Commissioner Anne Boyle,  
seconded by Commissioner Lowell Johnson, to enter an order granting  
the application. Motion passed with Commissioners Anne Boyle, Lowell  
Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3474 In the Matter of Sprint Nextel Corporation, Reston, Virginia, seeking approval of the transfer of control of United Telephone Company of the West, dba Sprint, St. Paul, Minnesota, and Sprint Long Distance, Inc., Overland Park, Kansas, from Sprint Nextel Corporation to LTD Holding Company, Overland Park, Kansas: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3484 In the Matter of the Plainview Telephone Company, Plainview, seeking approval to enter into a loan agreement with the United States of America: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Gene Hand reported that the Federal Communications Commission (FCC) approved the Southwestern Bell Communication Services, Inc. (SBC)/AT&T and Verizon/MCI mergers on Monday, October 31, 2005. He reviewed some of the enforceable commitments embodied in the approval orders.

UNIVERSAL SERVICE FUND

NUSF-25 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order seeking comments on proposals for high-cost certification, with a deadline of December 6, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. Commissioner Landis appointed Hearing Officer.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to authorize the true-up payment request for Alltel, pursuant to Section 003.04 of the Universal Service Fund (NUSF) Rules and Regulations. The required audit had been filed with the Commission and reviewed by the NUSF Department pursuant to the established Commission policy. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Jeff Pursley reported on Late-Filed Carrier Remittances. Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to levy a late fee against McLeod USA Telecommunications. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

E911 DEPARTMENT

PSAP-013.3 In the Matter of Keith County PSAP, Ogallala, seeking funding for recurring and non-recurring costs of Wireless E-911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

PSAP-032.2 In the Matter of Perkins County PSAP, Grant, seeking funding for recurring and non-recurring costs of Wireless E-911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

PSAP-019.3 In the Matter of Kearney County PSAP, Minden seeking funding for recurring and non-recurring costs of Wireless E-911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

PSAP-027.1 In the Matter of Platte County/Columbus Police Department, Columbus, seeking funding for recurring and non-recurring costs of Wireless E-911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

PSAP-038.2 In the Matter of McCook Police Department, McCook, seeking funding for recurring and non-recurring costs of Wireless E-911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

PSAP-039.2 In the Matter of the Norfolk Police Department, Norfolk, seeking funding for recurring and non-recurring costs of Wireless E-911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0031 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila) Omaha, seeking authority for Limited Cost Recovery in the State of Nebraska. Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Laura Demman provided a report on the number and nature of natural gas consumer inquiries and complaints received during the previous month. Commissioners had additional discussion regarding Aquila's Fixed Rate Option.

TRANSPORTATION DEPARTMENT

B-1670 In the Matter of Steve Devening Trucking, Tekamah: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

B-1672 In the Matter of James Leon Dickinson, dba Your Own Limousine, Lincoln, seeking to acquire, through transfer, the authority granted to Todd Kober, dba Your Own Limousine Service, Grand Island, in Certificate B-1360: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application and revoking the authority in Certificate B-1360. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Rate Division

TR-149 In the Matter of Ronald D. or Darlene R. Allgood, dba Tree City Cab Company, Nebraska City, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was decreased to 68 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-87            In the Matter of Employers Mutual Casualty Company seeking  
                 cancellation of its Continuous Public Grain Warehouse Bond  
T200097 in the amount of \$497,000.00, issued on behalf of Northeast  
Cooperative, Wakefield, Thurston, West Point, and Allen: The bond was  
cancelled effective November 1, 2005.

GW-2113        In the Matter of John A. Fecht, Director, Grain Warehouse  
GWC-409        Department, Complainant, v. Aurora Cooperative Elevator  
                 Company, Aurora, Defendant: Motion made by Commissioner  
Rod Johnson, seconded by Commissioner Frank Landis, to enter an order  
dismissing the complaint and canceling the hearing previously  
scheduled for a date later to be determined. Motion passed with  
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis  
and Jerry Vap voting AYE.

Grain Dealer Division

GW-87            In the Matter of Employers Mutual Casualty Company seeking  
                 cancellation of its Continuous Grain Dealer Bond S24 33 20  
in the amount of \$300,000.00, issued on behalf of Northeast Coopera-  
tive, Wakefield: The bond was cancelled effective November 1, 2005.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by  
Commissioner Frank Landis, to approve the following Commission  
invoices. Motion passed with Commissioners Anne Boyle, Lowell  
Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

DAS Materiel-Office Supplies	\$	1,032.93
DAS Materiel-Copy Services		2,328.19
Larry Fauss		800.00

Upon agreement of all Commissioners, authorization was  
granted for Mark Breiner to attend the National Conference of State  
Transportation Specialists (NCSTS) Mid-Winter meeting to be held in  
Savannah, Georgia, from January 14-18, 2006.

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There being no need to address any matters in closed  
session, the meeting adjourned at 10:32 a.m. with Commissioners Boyle,  
Lowell Johnson, Rod Johnson, Landis and Vap present. The next  
regularly scheduled meeting will be held on November 8, 2005, at 10:00  
a.m. with an agenda to be available in the office of the Executive  
Director at 10:00 a.m. on November 7, 2005.

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Chairman

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Executive Director